

Report of the Assistant Director Environmental & Regulatory Services to the meeting of the Bradford Area Licensing Panel to be held on 3 April 2013.

K

Subject:

Application for a Premises Licence for Wibsey Convenience Store, 195 Wibsey Park Avenue, Bradford.

Summary statement:

Application for a new premises licence for the sale of alcohol for consumption off the premises.

John Major
Assistant Director
Environmental & Regulatory Services

Portfolio:
Environment & Waste Management

Report Contact: Melanie McGurk
Senior Licensing Officer
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Overview & Scrutiny Area:
Environment & Waste Management
Safer & Stronger Communities



1. SUMMARY

The application is for the grant of a Premises Licence for the sale of alcohol for consumption off the premises.

2. BACKGROUND

2.1 The applicants

Tasawar Iqbal. A copy of the application is included at Appendix 1.

2.2 The Premises

Wibsey Convenience Store, 195 Wibsey Park Avenue, Bradford.

2.3 Designated Premises Supervisor

Tasawar Iqbal

2.4 Application

The application is for the grant of a Premises Licence. The operating schedule describes the following as the relevant licensable activities applied for:-

- Sale of alcohol for consumption off the premises

Hours of licensable activities:

Monday to Sunday: 07.00 to 23.00

2.4 Steps proposed by the applicant to address the Licensing Objectives

- a) Prevention of crime and disorder will be achieved by;

There will be good lighting both indoor and outdoors to prevent any criminal activities taking place. Also to prevent people from buying more alcohol when they have left pubs.

- b) Public safety will be achieved by;

There will be suitable first aid kit on the premises. Fire extinguishers are also located on the premises to deal with all types of flammable products.

- c) Prevention of public nuisance will be achieved by;

I intend to make sure people don't hang around the shop front as this would cause a lot of noise.

- d) Protection of children from harm will be achieved by;

We will ID anybody that looks under 21 years old, this will hopefully help tackle underage drinkers. Previous experience will help ensure alcohol does not fall into the hands of youngsters.

- e) General – all four licensing objectives

A full CCTV system is in operation with 8 cameras, this covers inside and outside the premises. Staff will also be fully trained to stop people from buying for underage kids.

2.5 Relevant Representations Received

Individual, Body or Business

A representation has been received from a Ward Councillor. The representation raises concerns of sales of age restricted products to underage children, proxy sales of age restricted products, underage drinking, anti-social behaviour from youths congregating in the area and anti-social drinking in a local park. Concern is also raised regarding the amount of litter in the area.

The representation is attached at Appendix 2.

3. OTHER CONSIDERATIONS

Legal Appraisal

- 3.1 The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:
- a) the prevention of crime and disorder
 - b) public safety
 - c) the prevention of public nuisance
 - d) the protection of children from harm
- 3.2 The Council must also have regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003. Regard must also be taken of the Council's statement of Licensing Policy for the District.
- 3.3 Where it is decided it is necessary to depart from the statutory guidance or the Licensing Policy on the merits of a particular case; then special reasons justifying this must be given that can be sustained.
- 3.4 Only "relevant representations" by or expressly on behalf of a defined "interested party" or "responsible authority" can be taken into account. In order to be "relevant" a representation must fairly relate to achieving a licensing objective. If it does not, it must be discounted.
- 3.5 Any licensing conditions that Members may propose attaching must also relate to achieving one of the licensing objectives; be tailored to the actual premises and

style of licensable activity; must be reasonably achievable by the applicant and in his/her control.

Statement of Policy Issues

- 3.6 The following parts of the Licensing Policy are of particular importance; Part 4 (prevention of crime and disorder), Part 6 (prevention of public nuisance) and Part 7 (protection of children from harm)
- 3.7 The Annexes to the Policy sets out various types of model condition that could be considered.

4. OPTIONS

4.1 Members may:

- (a) Grant a premises licence as applied for subject to any mandatory conditions and the precautions specified in the operating schedule submitted.
 - (b) Grant a premises licence subject to such additional conditions relating to achievement of the licensing objectives as members think fit; or
 - (c) Refuse the application for a premises licence.
- 4.2 Should the applicant or any other party to the hearing feel aggrieved at any decision with regard to the licence or to any conditions or restrictions attached by Members they may appeal to the Magistrates Court.

5. FINANCIAL & RESOURCE APPRAISAL

There are no apparent finance or resource implications.

6. RISK MANAGEMENT AND GOVERNANCE ISSUES

There are no apparent risk management and governance implications.

7. LEGAL APPRAISAL

Referred to in part 3 of this report.

8. OTHER IMPLICATIONS

8.1 EQUALITY & DIVERSITY

The Council has a duty to consider S.149 Equality Act 2010.

8.2 SUSTAINABILITY IMPLICATIONS

There are no apparent sustainability implications.

8.3 GREENHOUSE GAS EMISSIONS IMPACTS

There are no apparent implications.

8.4 COMMUNITY SAFETY IMPLICATIONS

When determining the application the Licensing Authority is required to pay due regard to the licensing objectives referred to in 3.1 of this report.

8.5 HUMAN RIGHTS ACT

The following rights are applicable:

Article 1 First Protocol to the Convention – Right to peaceful enjoyment of possessions subject to the state's right to control the use of property in accordance

with the general interest. The Council's powers set out in the recommendations fall within the states right. A fair balance must be struck between public safety and the applicant's rights.

Article 6 – A procedural right to a fair hearing. As refusal of the application is an option, adherence to the Panels' usual procedure of affording a hearing to the applicant is very important. The applicant should also be able to examine the requirements of the fire authority. If the decision is to refuse then reasons should be given.

8.6 TRADE UNION

Not applicable

8.7 WARD IMPLICATIONS

Ward Councillors have been notified of receipt of the application.

9. NOT FOR PUBLICATION DOCUMENTS

None.

10. RECOMMENDATIONS

Members are invited to consider the information and documents referred to in this report and, after hearing individuals, bodies or businesses, determine the related application(s).

11. APPENDICES

1. Application form received 5 February 2013.
2. Representation.

12. BACKGROUND DOCUMENTS

Application form, plan etc.

Licensing Team, Environmental & Regulatory Services, Jacobs Well, Bradford, BD1 5RW

Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We TASAWAR IQBAL

(insert name(s) of applicant) apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

WIBSEY CONU SPRE

Postal address of premises or, if none, ordnance survey map reference or description <u>195 WIBSEY PARK AVENUE</u>	
Post town <u>BRADFORD</u>	Post code <u>BD6 3QJ</u>

Telephone number at premises (if any)

MOBILE

Non domestic rateable value of premises

£4550 - Band B - £190

195 Wibsey Park Ave

Part 2 – Applicant Details

Please state whether you are applying for a Premises Licence as:

- a) an individual or individuals*
- b) a person other than an individual*
 - i. as a limited company
 - ii. as a partnership
 - iii. as an unincorporated association or
 - iv. Other (for example a statutory corporation)
- c) a recognised club
- d) a charity
- e) the proprietor of an educational establishment
- f) a health service body
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital

Please tick as appropriate

LICENSING UNIT
05 FEB 2013
LEGACY

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
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<input type="checkbox"/>
<input type="checkbox"/>

- please complete section (A)
- please complete section (B)
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- please complete section (B)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 - Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

Terraced property Joining onto a Flarish from 1 Side,
 It is a newsagent
 There are 2 floors the ground floor is for retailing +
 the basement is empty or can be used for storage only
 Ground floor will be used for selling alcohol

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

What licensable activities do you intend to carry on from the premises?
 (Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick any that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performance of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Provision of late night refreshment (if ticking yes, fill in box I)

<input type="checkbox"/>

Supply of alcohol (if ticking yes, fill in box J)

<input type="checkbox"/>

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list. (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
			Both		
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the boxing or wrestling entertainment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list. (Please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon				Please give further details here (please read guidance note 3)	
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

G

Performance of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
			Will this entertainment take place indoors or outdoors or both – please tick (✓) (please read guidance note 2)		
Day	Start	Finish	Outdoors		Both
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within e), f) or g) at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Sat					
Sun					

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed			BD / P. 5552		
Thur					
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	
				Off the premises	✓
				Both	
Day	Start	Finish	State any seasonal variations for the sale of alcohol (please read guidance note 4)		
Mon	0700	2300			
Tue	0700	2300			
Wed	0700	2300			
			Non standard timings. Where you intend to use the premises for the sale of alcohol at different times to those listed in the column on the left, please list. (please read guidance note 5)		
Thur	0700	2300	/		
Fri	0700	2300			
Sat	0700	2300			
Sun	0700	2300			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Tasawar Iqbal

Address Boltby Lane
Bradford

Postcode BDB 2BH

* Personal licence number (if known) BD / PER2251

Issuing licensing authority (if known) BRADFORD COUNCIL

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

(This section contains faint, illegible text and a large diagonal line, likely representing a signature or a crossed-out entry.)

Hours premises are open to the public
Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	0700	2300
Tue	0700	2300
Wed	0700	2300
Thur	0700	2300
Fri	0700	2300
Sat	0700	2300
Sun	0700	2300

State any seasonal variations (please read guidance note 4)

A full system is in operation with 8 cameras, the door inside + outside of the premises. Staff will also be fully trained to stop people from paying for drinks etc.

Non standard timings. Where you intend to open the premises to be open to the public at different times from those listed in the column on the left, please list. (please read guidance note 5)

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M

Describe the steps you intend to take to promote the four licensing objectives:

a) General - all four licensing objectives (b, c, d, e) (please read guidance note 9)

A Full CCTV System is in operation with 8 Cameras, this covers inside + outside the premises. Staff will also be fully trained to stop people from buying for underage kids

b) The prevention of crime and disorder

There will be good lighting both indoor + outdoors to prevent any criminal activities taking place. Also to prevent people from buying more alcohol when they have left pubs.

c) Public safety

There will be suitable first aid kit on the premises. Fire extinguishers are also located on the premises to deal with all types of flammable products.

d) The prevention of public nuisance

I intend to make sure people don't hang around the shop front as this would cause a lot of noise.

e) The protection of children from harm

We will ID anybody that looks under 21 yrs old, this will hopefully help tackle underage drinkers. Previous experience will help ensure alcohol does not fall into the hands of youngsters.

Please tick to indicate agreement

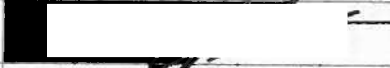
- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

*

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11).
If signing on behalf of the applicant please state in what capacity.

Signature	
Date	3-2-13
Capacity	OWNER

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent.
(please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact Name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Tasawar Iqbal
195 WIBSEY PARK AVE
P

Post town BRADFORD

Post code BDB 3QT

Telephone number (if any)

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

Notes for guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

From: [REDACTED]
Sent: 04 March 2013 16:51
To: Licensing Team; Melanie McGurk
Cc: [REDACTED]
Subject: Wibsey Convenience Store, 195 Wibsey Park Avenue, Bradford, BD6 3QT

Dear Ms. McGurk,

**Re: Premises Grant - Wibsey Convenience Store, 195 Wibsey Park Avenue, Bradford, BD6 3QT / Tasawar Iqbal
For provision of the sale by reatail of alcohol Monday - Sunday 07.00 - 23.00**

I wish to register an objection to the above license application, particularly the requested licensed hours. I have been contacted by a number of constituents who have concerns that the granting of the license will result in:-

- the sale of age-restricted products to underage children either directly or by proxy - there is a large secondary school nearby.
- increased anti-social behaviour from youths congregating in the area. There is already a fast-food take away where a number of youths congregate - alcohol will add considerably to the problems in this area.
- Increased problems of anti-social drinking in Wibsey Park - especially in the summer months due to the proposed late night opening.
- the amount of rubbish in the area is already a problem and will surely increase.
- there is already damage to fences and litter thrown into gardens

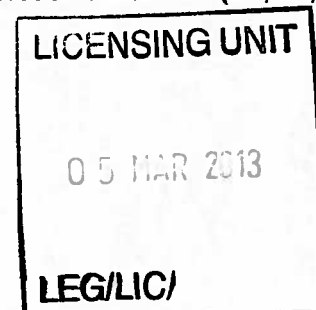
In addition,

- there are already sufficient outlets in the area including Tesco, Co-operative and several independent shopkeepers.

I have letters from two constituents in the area and will submit these tomorrow (05/03/13) with names and addresses redacted.

Regards
Cllr.

Beechwood Road, Bradford BD6 3AQ
p: 01274



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05/03/2013